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4 Attorney for Trustee

5 UNITED STATES BANKRUPTCY COURT
6 EASTERN DISTRICT OF CALIFORNIA

7 In re:	Case No. 06-21732-7
8 MICHAEL METZGER,	MC#: PDM-1
9 Debtor.	Date: Nov. 28, 2006
	Time: 9:30 a.m.
	Dept: C
	Ct Rm. 35

12 STIPULATION TO CONTINUE HEARING

13 **Recitals:**

14 1. This Chapter 7 case was filed pursuant to Chapter 7 on May 24,
15 2006. Trustee has retained Byron Lee Lynch as counsel for the estate and
16 preliminary settlement discussions with the debtor, and his non-filing
17 spouse, are pending. Debtor has agreed, in principal only, to pay the estate
18 \$55,000 but that settlement has been delayed to determine whether a
19 residence located at 25 Roohr Court, Chico, CA, 95928 (Residence), which is
20 titled to debtor's non-filing spouse, may be refinanced to provide the
21 settlement funds.

22 2. This motion for relief from the Automatic Stay will become moot if
23 the Residence is refinanced because the underlying loan will necessarily be
24 paid from the new loan proceeds.

25 3. The parties to this agreement claim an interest in the Residence and
26 each believe their interest would be served by continuing this pending
27

1 Motion For Relief From Automatic Stay, to allow a reasonable time to
2 complete refinancing the of the Residence.

3
4 **Agreement:**

5 4. The parties agree that the court may continue the hearing on this
6 Motion For Relief From Automatic Stay (PDM-1) until February 6, 2007, or
7 the first hearing date thereafter.

8 5. Pending the continued hearing date, Debtor Michael Metzger, and his
9 non-filing spouse, Linda Metzger, agree to make and maintain all obligations
10 arising from or related to the Residence, current, including monthly loan
11 payments due the moving party, First Franklin, real estate taxes, and
12 insurance. Debtor Michael Metzger, and Linda Metzger, further agree to
13 maintain the Residence in its current condition and state of repair pending
14 this continuance, and not to commit or allow waste to affect the value of
15 the Residence.

16 IN WITNESS WHEREOF, the Parties have executed this
17 Agreement as of November 9, 2006.

18 Original signed
19 Byron Lee Lynch
20 Counsel to John Reger

21 Original signed
22 Adam B. Arnold
23 For First Franklin

24 Original signed
25 Michael Metzger, Debtor

24 Original signed
25 Doug Jacobs
26 Counsel to Michael Metzger